

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)
)
of)
)

MOLOKAI PUBLIC UTILITIES, INC.)
)
)

For review and approval of rate)
increases; revised rate schedules;)
and revised rules.)
_____)

Docket No. 2009-0048

PUBLIC UTILITIES
COMMISSION

2010 MAY -4 P 3:41

FILED

**MOLOKAI PUBLIC UTILITIES, INC.'S OBJECTION TO
COUNTY OF MAUI'S JOINDER IN WEST MOLOKAI
ASSOCIATION'S MOTION FOR ISSUANCE OF SUBPOENAE**

and

CERTIFICATE OF SERVICE

MORIHARA LAU & FONG LLP

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Attorneys for MOLOKAI PUBLIC UTILITIES, INC.

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\\MPL\MOLOKAI RANCH\MPL\RATE CASE\PREHEARING\MEMO IN OPPOSITION TO COUNTY JOINDER (2010_5-4).DOC

**MOLOKAI PUBLIC UTILITIES, INC.'S OBJECTION TO
COUNTY OF MAUI'S JOINDER IN WEST MOLOKAI
ASSOCIATION'S MOTION FOR ISSUANCE OF SUBPOENAE**

MOLOKAI PUBLIC UTILITIES, INC. ("MPU"), by and through its attorneys Morihara Lau & Fong LLP, objects to the County of Maui's ("County") Joinder in West Molokai Association's Motion for Issuance of Subpoenae filed on May 4, 2010 ("Joinder") as being untimely. Consequently, the Public Utilities Commission ("Commission") should not consider the County's Joinder.

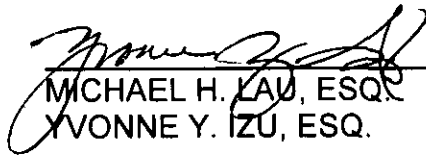
The Prehearing Conference Order issued by the Commission on April 28, 2010 ("Prehearing Order") established April 29, 2010 as the deadline for "pre-hearing evidentiary motions based on the existing docket record, including any motion requesting the issuance of subpoenas to require the attendance of two MPL witnesses at the evidentiary hearing." Prehearing Order at 2-3.

As MPU understands, the County's Joinder is an adoption by the County of WMA's motion as its own. Pursuant to the Prehearing Order, the County's Joinder

should have been filed on April 29, 2010. Having filed the Joinder on May 4 makes it untimely and, therefore, should not be considered by the Commission.

In the event the Commission elects to consider the County's Joinder, MPU states the same objections as set forth in MPU's Memorandum in Opposition to West Molokai Association's Motion for Issuance of Subpoenae filed on May 4, 2010.

DATED: Honolulu, Hawai'i, May 4, 2010.



MICHAEL H. LAU, ESQ.
YVONNE Y. IZU, ESQ.

Morihara Lau & Fong LLP
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.

CERTIFICATE OF SERVICE

I (we) hereby certify that copies of the foregoing document were duly served on the following parties, by having said copies delivered as set forth below:

MR. DEAN NISHINA Executive Director Department of Commerce and Consumer Affairs Division of Consumer Advocacy 335 Merchant Street, Suite 326 Honolulu, Hawai'i 96813	3 copies Hand Deliver
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Attorney for MOLOKAI PROPERTIES LIMITED

DATED: Honolulu, Hawai'i, May 4, 2010.



MICHAEL H. LAU, ESQ.
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Moriyara Lau & Fong LLP
Attorneys for MOLOKAI PUBLIC UTILITIES, INC.